

10/22/01  
11054 U.S. PTO

2-19-01

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Docket No. 2976-4044US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Tim KEITH et al.

Group Art Unit: To Be Assigned

Serial No.: To Be Assigned

Examiner: To Be Assigned

Filed: October 22, 2001 (Herewith)

For: NUCLEOTIDE AND AMINO ACID SEQUENCES RELATING TO RESPIRATORY DISEASES AND OBESITY

Commissioner of Patents  
Washington, DC 20231  
BOX: PATENT APPLICATION

EXPRESS MAIL CERTIFICATE

Express Mail Label No.: EL 912 004 429 US

Date of Deposit: October 22, 2001

I hereby certify that the following attached paper(s) and/or fee

1. Utility Patent Application containing 364 total pages, including 241 pages of Specification, 18 pages of Claims, 1 page of Abstract; 104 sheets of Drawings (Figures 1A-1D; 2A-2P; 3A-3G; 4: 5A-5I; 6A-6U; 7A-7H; 8; 9A-9F; 10-26; 27A-27K; and 28A-28C);
2. Sequence Listing (3 CD-ROMs);
3. Statement Accompanying CD-ROM Submission of Sequence Listing, 2 pages;
4. Declaration and Power of Attorney, 8 pages;
5. Utility Patent Transmittal, 4 pages;
6. Filing Fee (check for \$3788.00);
7. **Request and Certification for Non-Publication of Utility Application**, 1 page;
8. Copy of Notification of Withdrawal of International Application, 1 page;
9. Return Postcard;

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to: **BOX: PATENT APPLICATION**, Commissioner for Patents, Washington, D.C. 20231.

Jesus R. Remedios

(Typed or printed name of person mailing paper(s) and/or fee)

(Signature of person mailing paper(s) and/or fee)

Correspondence Address:

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345 Park Avenue  
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12-19-c1

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Box 509

10/22/01  
1054 U.S. PTO

Docket No. 2976-4044US1  
Express Mail No. EL 912 004 429 US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**UTILITY APPLICATION AND FEE TRANSMITTAL §(1.53(b))**

Commissioner for Patents  
**Box Patent Application**  
Washington, D.C. 20231

jc826 U.S. PTO  
10/021698  
10/22/01

Sir:

Transmitted herewith for filing is the patent application of

Inventor(s) names and addresses

|    |                    |   |
|----|--------------------|---|
| 1. | Tim Keith          | 324 North Road, Bedford, Massachusetts 01730                |
| 2. | Randall Little     | 73 Elm Road, Newtonville, Massachusetts 02493               |
| 3. | Paul Van Eerdewegh | 25 Linden Circle, Weston, Massachusetts 02493               |
| 4. | Josée Dupuis       | 62 Davis Road, Belmont, Massachusetts 02178                 |
| 5. | Richard Del Mastro | 31 Lake Shore Drive, Norfolk, Massachusetts 02056           |
| 6. | Jason Simon        | 1019 Summit Avenue, Westfield, New Jersey 07090             |
| 7. | Kristina Allen     | 11 Oliver Lane, Hopkinton, Massachusetts 01748              |
| 8. | Sunil Pandit       | 353 West Side Drive, Apt. 202, Gaithersburg, Maryland 20878 |

For: NUCLEOTIDE AND AMINO ACID SEQUENCES RELATING TO RESPIRATORY DISEASES AND OBESITY

Enclosed Are:

- 241 page(s) of specification  
1 page(s) of Abstract  
18 page(s) of claims  
104 sheets of ☐ Formal ☒ Informal drawings  
8 page(s) of Declaration and Power of Attorney

- ☒ Unsigned  
☐ Newly Executed  
☐ Copy from prior application  
☐ Deletion of inventors including Signed Statement under 37 C.F.R. §1.63(d)(2)

☒

**REQUEST FOR NON-PUBLICATION OF APPLICATION ATTACHED**

- ☐ Incorporation by Reference:
- ☒ The entire disclosure of the prior application is considered as being part of the disclosure of the accompanying application and is incorporated herein by reference.
- ☐ Deletion of Inventors (37 C.F.R. §1.63(d) and §1.33(b))
- ☐ Signed statement attached deleting inventor(s) named in the prior application serial no. \_\_\_\_\_, filed \_\_\_\_\_.
- ☐ Microfiche Computer Program (Appendix)
- ☒ Computer readable disks containing Sequence Listing (3 CD-ROMs)
- ☒ Statement to Accompany CD-ROM submission of Sequence Listing
- ☐ Assignment Papers (assignment cover sheet and assignment documents)
- ☐ A check in the amount of \$40.00 for recording the Assignment
- ☐ Charge Assignment Fee to Deposit Account No. 13-4500, Order No. ....
- ☐ Assignment Papers filed in the parent application Serial No. ....
- ☐ Certification of chain of title pursuant to 37 C.F.R. §3.73(b)
- ☐ Priority is claimed under 35 U.S.C. §119 for:  
Application No(s). \_\_\_\_\_, filed \_\_\_\_\_, in \_\_\_\_\_ (country).
- ☐ Certified Copy of Priority Document(s) [\_\_\_\_\_]
- ☐ filed herewith
- ☐ filed in application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.
- ☐ English translation document(s) [\_\_\_\_\_]
- ☐ filed herewith
- ☐ filed in application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.
- ☒ Priority is claimed under 35 U.S.C. §119(e) for:  
Provisional Application No. 60/211,749, filed June 14, 2000.
- ☐ Information Disclosure Statement
- ☐ Copy of [\_\_\_\_\_] cited references
- ☐ PTO Form-1449
- ☐ References cited in parent application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.
- ☐ Related Case Statement under 37 C.F.R. §1.98(a)(2)(iii)
- ☐ A copy of related pending U.S. Application(s) Serial No(s): \_\_\_\_\_, filed \_\_\_\_\_, respectively, is attached hereto.
- ☐ A copy of related pending U.S. Application(s) entitled, \_\_\_\_\_, filed \_\_\_\_\_ to inventor(s) \_\_\_\_\_, respectively, is attached hereto.
- ☐ A copy of each related application(s) was submitted in parent application serial no. \_\_\_\_\_, filed \_\_\_\_\_.

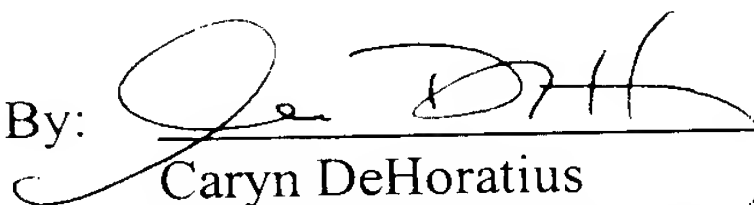
- ☐ Preliminary Amendment
- ☐ Return receipt postcard (MPEP 503)
- ☐ This is a ☐ continuation ☐ divisional ☐ continuation-in-part of prior application serial no. 09/881,797, filed June 14, 2001, to which priority under 35 U.S.C. §120 is claimed.
- ☐ Cancel in this application original claims \_\_\_\_\_ of the parent application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
- ☐ A Preliminary Amendment is enclosed. (Claims added by this Amendment have been properly numbered consecutively beginning with the number following the highest numbered original claim in the prior application).
- ☒ The status of the parent application is as follows:
- ☐ A Petition for Extension of Time and a Fee therefor has been or is being filed in the parent application to extend the term for action in the parent application until \_\_\_\_\_.
- ☐ A copy of the Petition for Extension of Time in the co-pending parent application is attached.
- ☒ No Petition for Extension of Time and Fee therefor are necessary in the co-pending parent application.
- ☒ Please abandon the parent application at a time while the parent application is pending or at a time when the petition for extension of time in that application is granted and while this application is pending has been granted a filing date, so as to make this application co-pending.
- ☐ Transfer the drawing(s) from the parent application to this application
- ☒ Amend the specification by inserting before the first line the sentence: This is a ☒ continuation ☐ divisional ☐ continuation-in-part of co-pending application Serial No. 09/881,797, filed June 14, 2001, and a ☐ continuation ☐ divisional ☒ continuation-in-part of application Serial No. 60/211,749, filed June 14, 2000.

| I. CALCULATION OF APPLICATION FEE                  |              |   |                  |                              |
|--|--------------|---|------------------|------------------------------|
|  | Number Filed | Number Extra                              | Rate             | Basic Fee<br>\$710.00/355.00 |
| Total Claims                                       | 111 - 20 =   | 91 x                                      | \$18.00/ \$9.00  | \$ 1638.00                   |
| Independent Claims                                 | 21 - 3 =     | 18 x                                      | \$80.00/ \$40.00 | \$ 1440.00                   |
| <input type="checkbox"/> Multiple Dependent Claims |              | If marked, add fee of \$270.00 (\$135.00) |                  | \$ 0.00                      |
| TOTAL:   |              |   |                  | \$ 3788.00                   |

- ☐ Small entity status is or has been claimed. Reduced fees under 37 C.F.R. §1.9 (f) paid herewith \$\_\_\_\_\_.
- ☐ A check in the amount of \$3788.00 in payment of the application filing fees is attached.
- ☐ Charge fee to Deposit Account No. 13-4500, Order No. \_\_\_\_\_. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required for filing this application pursuant to 37 CFR §1.16, **including all extension of time fees pursuant to 37 C.F.R. § 1.17 for maintaining copendency** with the parent application, or credit any overpayment to Deposit Account No. 13-4500, Order No. 2976-4044US1. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: October 22, 2001

By:   
Caryn DeHoratius  
Registration No. 45,881

Correspondence Address:

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345 Park Avenue  
New York, NY 10154-0053  
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Tim KEITH et al.

Group Art Unit: To Be Assigned

Serial No.: To Be Assigned

Examiner: To Be Assigned

Filed: October 22, 2001 (Herewith)

For: NUCLEOTIDE AND AMINO ACID SEQUENCES RELATING TO RESPIRATORY DISEASES AND OBESITY

Commissioner of Patents  
Washington, DC 20231  
BOX: PATENT APPLICATION**REQUEST AND CERTIFICATION FOR NON-PUBLICATION OF UTILITY APPLICATION**

I certify that the invention disclosed in the attached application **will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I further certify that, although the invention disclosed in the attached application **was** the subject matter of International Patent Application No. PCT/US01/19277, this PCT application was formally withdrawn on September 13, 2001.

Enclosed is a copy of the Notification of Withdrawal of International Application mailed by the International Bureau on September 17, 2001 for International Patent Application No. PCT/US01/19277, confirming withdrawal of International Patent Application No. PCT/US01/19277, effective September 13, 2001. The Notification indicates that withdrawal of International Patent Application No. PCT/US01/19277 was effective before the completion of technical preparations for publication, and therefore, the international application **will not be published**.

As International Patent Application No. PCT/US01/19277 has been withdrawn, and **will not be published**, and as the invention disclosed in the attached application **will not be** the subject of an application filed in another country, or under a multilateral agreement that requires publication at eighteen months after filing, based upon the attached Notification of Withdrawal of International Application, I request that the attached application not be published.

This request is signed in compliance with 37 C.F.R. §1.33(b) and is being submitted with the application **at the time of filing**. **SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED.**

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.Dated: October 22, 2001

By:

Richard C. Komson  
Registration No. 27,913Correspondence Address:  
MORGAN & FINNEGAN, L.L.P.  
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PCT

NOTIFICATION OF WITHDRAWAL OF  
INTERNATIONAL APPLICATION OR  
DESIGNATIONS(PCT Rule 90bis.1 and 90bis.2 and  
Administrative Instructions, Section 415(a))

From the INTERNATIONAL BUREAU

To:

KOMSON, Richard, C.  
Morgan & Finnegan, L.L.P.  
345 Park Avenue  
New York, NY 10154  
ETATS-UNIS D'AMERIQUERECEIVED  
DEPT.26 SEP 26 P 12: 14  
MORGAN & FINNEGAN LLP

|  |   |   |
|--|---|---|
| Date of mailing (day/month/year)<br>17 September 2001 (17.09.01) |   |   |
| Applicant's or agent's file reference<br>2976-4044PC1            |   | IMPORTANT NOTIFICATION                                    |
| International application No.<br>PCT/US01/19277                  | International filing date (day/month/year)<br>14 June 2001 (14.06.01) |   |
| Applicant<br>SCHERING-PLOUGH CORPORATION                         |   | Priority date (day/month/year)<br>14 June 2000 (14.06.00) |

1. The applicant is hereby notified that, except as to any designated State in which national processing or examination has already started upon the express request of the applicant:

- ☒ the international application
- ☐ the designations of the following States:
- ☐ for an ARIPO patent (specify "all States" or, if the withdrawal concerns only some States, specify those States only by indicating the two-letter country codes):
  - ☐ for a Eurasian patent
  - ☐ for a European patent (specify "all States" or, if the withdrawal concerns only some States, specify those States only by indicating the two-letter country codes):
  - ☐ for an OAPI patent
  - ☐ for a national patent (specify the States by indicating the two-letter country codes):

has (have) been withdrawn on the date of receipt of the notice effecting withdrawal as indicated below:

13 September 2001 (13.09.01)

2. The notice effecting withdrawal reached the International Bureau

- ☒ before the completion of the technical preparations for publication and, consequently, there will be no international publication:
- ☒ of the international application.
  - ☐ of the designations specified above.
- ☐ after the completion of the technical preparations for publication and, consequently, the withdrawal could not be taken into account for the international publication.

3. The receiving Office and, if they are affected by the withdrawal, the designated (or elected) Offices, the International Searching Authority and the International Preliminary Examining Authority, have been informed accordingly.

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Facsimile No. (41-22) 740.14.35

Authorized officer

Hao ZHOU

Telephone No. (41-22) 739.92.30

EL 912 004 429 US